IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 3290 of 2004

Between:

Ahmed Fareeduddin Saberi, S/o Late Khaja Moinuddin,
R/o H.No.19-4-339/4/A, Kondareddyguda, Kishanbagh,
Hyderabad.

..... PETITIONER

AND

1 The Deputy Director of Town Survey and Land Records,
Hyderabad District, at Nampally, Hyderabad.
2 The Mandal Revenue Officer,
Bahadurpura Mandal, Bahadurpura, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably Writ of Mandamus declaring the inaction of the 1st Respondent in not taking steps for demarcation of the petitioner's land admeasuring 1222.22 sq. yds. in T.S.No. 46/P1, situated at Bowli Bahadurpura, Meer Sagar, Bahardurapura Mandal, Hyderabad, bounded by North: Moosi River, South: Land belonging to Lingal Sattaiah,
East: Naala Baradari and West: Nala Abe Sangosh, in the light of his representation dated 10-1-2002 is illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st Respondent to demarcate the said land without any further delay and in the meanwhile, direct the 2nd Respondent and their staff not to disturb the possession of the petitioner in respect of the said land.

Counsel for the Petitioner : MR.KOWTURU VINAYA KUMAR

Counsel for the RespondentS : GP FOR REVENUE

The Court made the following :

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ORDER :

Petitioner claims that he purchased the land admeasuring 1,222.22 square yards in T.S.No.46/P1 under registered sale deed dated 7-10-1967. He is allegedly in possession of the property and regularly paying the levy under Andhra Pradesh Non-agricultural Lands Assessment Act, 1963, since 1996. He made a representation on 10-1-2002 to first respondent requesting to demarcate the land, in vain. Therefore, he filed the present writ petition.

After receiving Rule nisi, first respondent filed a counter affidavit stating that the representation of the petitioner
dated 10-1-2002 has been duly considered and the same was disposed of on 2-2-2002 informing the petitioner that the old Survey numbers have been superceded after implementation of Town Survey under the provisions of Andhra Pradesh Survey and Boundaries Act, 1923. This is not denied by learned counsel for the petitioner. Therefore, the cause of action does not survive.

Giving liberty to the petitioner to challenge the proceedings of first respondent dated 2-2-2002, the writ petition is disposed of. No costs.

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(V.V.S. RAO, J.)

11-10-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Director of Town Survey and Land Records,
Hyderabad District, at Nampally, Hyderabad.
2 The Mandal Revenue Officer,
Bahadurpura Mandal, Bahadurpura, Hyderabad.

3. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

4. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3290 of 2004

11-10-2004.

(Msr)